

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	
	:	
MELISSA A. DEUERLING,	:	NO. 2:14-cv-00642-ANB
Defendant, Counterclaimant	:	
and Third Party Plaintiff	:	
	:	
v.	:	
	:	
G.C. SERVICES, L.P., et al.,	:	
Third Party Defendants	:	JURY TRIAL DEMANDED

**AFFIDAVIT OF CELESTE VARGAS**

I, Celeste Vargas, being of full age, duly sworn according to law, deposes and says:

1. I am over the age of 18 and am authorized to make this Affidavit on behalf of Third Party Defendant Performant Recovery, Inc. ("Third Party Defendant" or "PRI").
2. Performant Recovery, Inc. is the successor-in-interest to Third Party Defendant Diversified Collection Services, Inc.
3. I have personal knowledge of the facts contained in this Affidavit.
4. This Affidavit is based on personal knowledge gained through my employment with Third Party Defendant.
5. I am Third Party Defendant's Compliance and Administrative Services Manager and have held this position since August 12, 2008. I have been employed by Third Party Defendant since October 24, 1988.
6. As such, I am familiar with Third Party Defendant's collection procedures and records.

7. I am familiar with Third Party Plaintiff Melissa Deuerling ("Third Party Plaintiff" or "Deuerling") account with the Department of Education ("Account") that is the subject of this lawsuit.

8. Third Party Defendant's collection notes are made at or near the time of the activity by someone with knowledge or by a computer system. The collection notes are kept in the ordinary course of Third Party Defendant's regularly conducted business. Making the collection notes is a regular practice of Third Party Defendant's collection activities.

9. According to Third Party Defendant's collection notes, on October 19, 2009, the United States Department of Education referred Deuerling's Account to Third Party Defendant for collection.

10. According to Third Party Defendant's collection notes, on June 12, 2009, the United States Department of Education recalled Deuerling's Account from Third Party Defendant.

11. Third Party Defendant has not conducted any collection activity on the Account since June 12, 2009.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on this 21<sup>st</sup> day of March, 2018

Celeste Vargas

STATE OF \_\_\_\_\_ :

SS

COUNTY OF \_\_\_\_\_ :

On this \_\_\_\_\_ day of March, 2018, before me, personally appeared

Celeste Vargas, personally known to me (or proved to me on the basis of

satisfactory evidence) to be the person whose name is subscribed to the within Affidavit and acknowledged to me that he executed the same.

WITNESS my hand and official seal.

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Notary Public

## **CALIFORNIA JURAT WITH AFFIANT STATEMENT**

**GOVERNMENT CODE § 8202**

See Attached Document (Notary to cross out lines 1–6 below)  
 See Statement Below (Lines 1–6 to be completed only by document signer[s], not Notary)

*Signature of Document Signer No. 1*

*Signature of Document Signer No. 2 (if any)*

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

**State of California**

County of San Joaquin

Subscribed and sworn to (or affirmed) before me

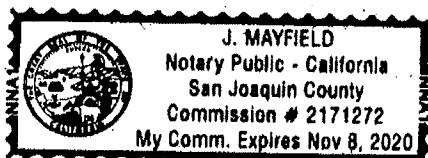
on this 26 day of March, 2018,  
by                  Date                  Month                  Year

(1) Celeste Vargas

(and (2) \_\_\_\_\_),

Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



*Seal*  
*Place Notary Seal Above*

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

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Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_